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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/239,978 05/09/94 BREED

F1M1/1228

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D. ATI 77	
EXAMINER	
TYSON, K	
ART UNIT	PAPER NUMBER

3106  
DATE MAILED:

12/28/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.                  |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____  |

Part II SUMMARY OF ACTION

- ☒ Claims 1-62 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☐ Claims \_\_\_\_\_ are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☒ Claims 1-62 are subject to restriction or election requirement.
- ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other \_\_\_\_\_

EXAMINER'S ACTION

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#### RESTRICTION REQUIREMENT

1. The claims are not sequentially numbered as required by 37 CFR 1.126. Accordingly, the claims have been renumbered.

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I, a vehicle communication system having a vehicle monitoring system, classified in class 379, subclass 58. Note claims 3, 12, 31 (as renumbered)

Group II, a vehicle entertainment system or directional microphone having a vehicle monitoring system, classified in class 381, subclass 86 or 92. Note claims 4, 13, 30, 32 and 59 (as renumbered)

Group III, a heating and air conditioning system having a vehicle monitoring system, classified in class 454, subclass 75. Note claims 5, 6, 7, 14, 15, 16, 37, 50 and 56 (as properly numbered under 37 CFR 1.126)

Group IV, a vehicle monitoring system controlling a vehicle safety system, classified in class 280, subclass 735. Note claims 21 - 27, 35 - 37, 49 (as properly numbered under 37 CFR 1.126).

Group V, a light filtering system with vehicle interior monitoring, classified in class 362, subclass 61. Note claims 38 - 45 (as renumbered).

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Group VI, a sound cancellation system having vehicle interior monitoring, classified in class 381, subclass 71. Note claim 46 (as renumbered).

Group VII, a vehicle unauthorized user detection system and vehicle control, classified in class 180, subclass 287. Note claims 53 -55.

Group VIII, a vehicle seat control system, classified in class 296, subclass 58. Note claim 58 (as renumbered).

Claims not listed in notes above were considered generic to two or more groupings or to not patentably define over generic claims. If applicant elects either group IV or group VII, the undersigned examiner will also examine claims 61 and 62 (as renumbered under 37 CFR 1.126) since the claims may be grouped with either group.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must

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indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin Tyson whose telephone number is (703) 308-2086.

  
Karin Tyson  
Primary Examiner  
Art Unit 3106

12/26/94

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